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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,740	04/20/2004	Brian C. Martin	022263-000100US	5480
20350 7590 02/15/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER LE, LANA N	
			ART UNIT 2618	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/15/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/828,740

Applicant(s)

MARTIN ET AL.

Examiner

Lana N. Le

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- it is unclear what the "filter circuit" is comprised of based on line 4 of claim 1, wherein the "coupling" of one the filter components "to the" filter circuit is claimed. However, the filter components are part of the configurable element which is part of the filter module as interpreted from the specification. For purposes of examining, the examiner interprets "coupling one of the filter components to the filter circuit" as coupling one of the filter components to the rest of the filter module.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 5-10, 12, and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Cox (GB 2,081,543).

Regarding claim 1, Cox discloses a reconfigurable filter (11) comprising:

a plurality of elements (13-17, 19-23) including a configurable element (14-16) and configured to provide a filter circuit (13-17, 19-23), the configurable element (14-16) including at least two filter components (15, 16) and a switch (14) configured to selectively couple one of the at least two filter components (15, 16) to the rest of the filter circuit (17 of stage 1, 13-17 of stage 2&3, 19-23); and a switch control module (32) configured to generate a switch control signal (control input signal to switch 14) to control the switch (14) in the configurable element (14-16) to selectively switch between two filter components (15 and 16), a value of the configurable element (15, 16) based in part on the switch control signal (page 2, column 2, line 113 - page 3, col 1, line 46).

Regarding claim 2, Cox discloses the filter of claim 1, wherein Cox disclose the filter circuit comprises an active filter circuit (active filter 11 due to amplifier component 13).

Regarding claim 5, Cox discloses the filter of claim 1, wherein the configurable element comprises two like components (15 & 16) of different values (page 2, col 2, lines 118-126) and the switch (switch 14 after input 33), and wherein the switch (14) is configured to couple one of the two like components to the filter circuit (13-17, 19-23) (page 3, col 1, lines 36-46).

Regarding claim 6, Cox discloses the filter of claim 1, wherein the configurable element comprises two like components of different values (page 2, col 2, lines 118-126), each of the like components selected from the list comprising a resistor, a capacitor, an inductor, and a transconductance element (page 2, col 2, lines 118-126).

Regarding claim 7, Cox discloses the filter of claim 1, wherein the switch control module (32) generates the switch control signal having a switch control frequency greater than a passband frequency of the filter (see figs. 3&5; page 2, col 1, lines 10-30, lines 40-58).

Regarding claim 8, Cox discloses the filter of claim 1, wherein the switch control module () generates the switch control signal having a switch control frequency that lies outside a passband of the filter (see figs. 3&5; page 2, col 1, lines 10-30, lines 40-58).

Regarding claim 9, Cox discloses the filter of claim 1, wherein the switch control module generates a periodic switch control signal (page 2, col 1, lines 52-65).

Regarding claim 10, Cox discloses the filter of claim 9, wherein the switch control module varies a duty cycle of the periodic switch control signal (page 2, lines 52-65).

Regarding claim 12, Cox discloses the filter of claim 1, wherein the filter circuit comprises a lowpass filter, and the switch control module is configured to generate the switch control signal to produce one of a plurality of predetermined frequency responses (page 3, col 1, lines 17-25; page 2, col 1, lines 40-64).

Regarding claim 20, Cox discloses a reconfigurable filter (fig. 6) comprising: at least one configurable element (14) having a value based in part on a fractional period (figs. 3&5) in which a control signal (from 32) is at a first signal level (page 2, col 1, lines 40-65); and a filter element (15, 16) coupled to the at least one configurable element (14) to produce a filter circuit (page 2, col 1, lines 40-65).

Regarding claim 21, Cox discloses a method of configuring a filter response, the method comprising:

determining a first filter response corresponding to a first switch configuration of at least one configurable element (15); determining a second filter response corresponding to a second switch configuration of the at least one configurable element (16); determining a desired filter response having a frequency response between the first filter response and the second filter response (page 3, lines 25-46; page 2, lines 83-93); selectively switching (via 14) between the first switch configuration and the second switch configuration to produce the desired filter response (page 2, lines 40-65).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3-4, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox in view Chang et al (US 6,975,846) (hereinafter Chang).

Regarding claim 3, Cox discloses the filter of claim 1, wherein Cox does not disclose the filter circuit comprises a passive filter circuit. Chang disclose a passive filter circuit 250 (fig. 1; col 3, lines 10-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made for Cox's filter be a passive filter due to the passive components of Cox's resistors and capacitor in order to use an

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alternate embodiment as suggested by Chang with simplified circuitry component by implementing the amplifier outside of the filter circuit.

Regarding claim 4, Cox discloses the filter of claim 1, wherein Cox does not disclose the plurality of elements is configured to provide a baseband filter. Chang disclose a plurality of elements (190, 210, 220) is configured to provide a baseband filter (260; fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the filter of Cox be implemented in a baseband circuit in order to reduce the level of intermodulation distortion in the frequency band of the baseband signal as suggested by Chang (col 4, lines 53-59).

Regarding claim 25, Cox discloses a reconfigurable filter (11) comprising:

a plurality of elements (13-17, 19-23) including a configurable element (14-16) and configured to provide a filter circuit (13-17, 19-23), the configurable element (14-16) including at least two filter components (15, 16) and a switch (14) configured to selectively couple one of the at least two filter components (15, 16) to the rest of the filter circuit (17 of stage 1, 13-17 of stage 2&3, 19-23); and a switch control module (32) configured to generate a switch control signal (control input signal to switch 14) to control the switch (14) in the configurable element (14-16) to selectively switch between two filter components (15 and 16), a value of the configurable element (15, 16) based in part on the switch control signal (page 2, column 2, line 113 - page 3, col 1, line 46). Cox does not disclose the filter is implemented in an RF integrated circuit having a multimode frequency response, the circuit comprising: an amplifier configured to receive an RF signal; a mixer coupled to the output of the amplifier and configured to

frequency convert the RF signal, and the reconfigurable filter coupled to the output of the mixer. Chang discloses an RF integrated circuit (fig. 1) having a multimode frequency response, the circuit comprising: an amplifier (140) configured to receive an RF signal; a mixer (150) coupled to the output of the amplifier (140) and configured to frequency convert the RF signal, and a reconfigurable filter (250, 260) coupled to the output of the mixer (150). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the filter of Cox be implemented in an RF integrated circuit of Chang in order to reduce distortion and aliasing in a received signal of a receiver circuit.

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cox in view Chang et al (US 6,975,846) (hereinafter Chang) and further in view of Petrov et al (US 2004/0,196,934) (hereinafter Petrov).

Regarding claim 26, Cox discloses a reconfigurable filter comprising: at least one configurable element (14) having a value based in part on a fractional period in which a control signal is at a first signal level (figs. 3&5) (page 2, lines 40-65); and a filter element (15, 16) coupled to the at least one configurable element to produce a filter circuit (11); and a switch controller configured to generate a mode select signal that controls, in part, the fractional period in which the control signal is at the first signal level. Cox does not disclose a baseband processor integrated circuit having a multimode frequency response, the integrated circuit comprising a demodulator coupled to the output of the reconfigurable filter; and a baseband processor coupled to the output of the demodulator and configured to generate a mode select signal that

controls, in part, the fractional period in which the control signal is at the first signal level. In the same field of endeavor, Chang disclose a baseband processor integrated circuit (410, 430) (fig. 4) having a multimode frequency response, the integrated circuit comprising a demodulator (570) coupled to the output of the filter (590); and a baseband processor (DSP) coupled to the output of the demodulator (570) (col 2, lines 35-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the filter of Cox be implemented in the baseband processor of Chang in order to reduce intermodulation distortion and aliasing in the baseband signal as suggested by Chang. Even though Chang do not disclose the demodulator, filter, and baseband processor are on one IC, it is well known to integrated all the components on one IC. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have one IC in order to eliminate the need for two chips in one receiver. Cox and Chang do not disclose the baseband processor is configured to generate a mode select signal that controls the filter response. Petrov discloses a baseband processor (136) configured to generate a mode select signal that controls the filter response (para. 17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the baseband processor control the filter in order to program the filter based on the desired mode of operation as suggested by Petrov.

6. Claims 11, 13-14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox in view of Gooch (US 5,403,262).

Regarding claim 11, Cox discloses the filter of claim 1, wherein Cox does not disclose the switch control module generates a pseudo random switch control signal. Gooch discloses a switch control module which generates a pseudo random switch control signal (col 5, lines 3-23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a switch control module which generates a pseudo random switch control signal in order to maintain a constant energy throughout all frequencies of the frequency spectrum of the generated signals as suggested by Gooch.

Regarding claim 13, Cox discloses a reconfigurable filter 11 (fig. 6) comprising: a first configuration of elements (15, 17) configured to provide a first filter response; a second configuration of elements (16, 17) configured to provide a second filter response different from the first filter response; at least one switch (14) configured to selectively switch between the first configuration (15, 17) and the second configuration (16, 17); and a switch control module (32) configured to generate at least one switch control signal (control signal to 11) comprising a sequence to control the position of the at least one switch (14) (page 2, column 2, line 113 - page 3, col 1, line 46). Cox does not disclose a pseudo random switch control signal. Gooch discloses the switch control module comprises a pseudo random switch control signal (col 5, lines 3-23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a pseudo random switch control signal in order to maintain a constant energy throughout all frequencies of the frequency spectrum of the generated signals as suggested by Gooch.

Regarding claim 14, Cox discloses the reconfigurable filter of claim 13, wherein Cox does not disclose the switch control module comprises a pseudo random modulator. Gooch discloses the switch control module comprises a pseudo random modulator (col 5, lines 3-23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a switch control module comprised of a pseudo random switch control signal in order to maintain a constant energy throughout all frequencies of the frequency spectrum of the generated signals as suggested by Gooch.

Regarding claim 24, Cox discloses the method of claim 21, further comprising: determining a fractional switching time that produces the desired filter response (figs. 3 & 5; page 2, lines 40-65). Cox does not disclose selectively switching between the first switch configuration and the second switch configuration using a pseudo random switching signal that controls the switches to the first switch configuration for the fractional switching time. Gooch discloses selectively switching between the first switch configuration and the second switch configuration using a pseudo random switching signal that controls the switches to the first switch configuration for the fractional switching time (col 5, lines 3-23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a pseudo random switch control signal in order to maintain a constant energy throughout all frequencies of the frequency spectrum of the generated signals as suggested by Gooch.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cox and Gooch and further in view of Anderson (US 2004/0,228,416)

Regarding claim 15, Cox discloses the reconfigurable filter of claim 13, wherein Cox does not disclose the switch control module comprises a delta-sigma modulator. Cox and Gooch do not specifically disclose a switch control module is a delta sigma modulator. Anderson disclose a switch control module is a delta sigma modulator (101) (para. 18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a delta sigma modulator switch controller in order to encode the integral of the input control signal rather than the signal itself.

8. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox, Gooch, Anderson and further in view of Yassa et al (US 5,181,033) (hereinafter Yassa).

Regarding claim 16, Cox, Gooch, and Anderson disclose the reconfigurable filter of claim 15, wherein Cox disclose the switch controller comprises switch control frequency greater than a passband frequency of the first filter response (figs. 3, 5). Cox, Gooch and Anderson do not specifically disclose the delta sigma modulator comprises a latch clocked at a rate greater than a passband frequency of the first filter response. Yassa disclose a delta sigma modulator clocked at a rate greater than the passband frequency of the filter response (col 2, lines 26-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the delta sigma modulator clocked at a higher rate in order to allow the filter to have controllably variable filter characteristics without changing the filter hardware as suggested by Yassa.

Regarding claim 17, Cox, Gooch, and Anderson disclose the reconfigurable filter of claim 15, wherein Cox disclose the switch controller comprises switch control frequency greater than a passband frequency of the first filter response (figs. 3, 5). Cox, Gooch, and Anderson do not specifically disclose the delta sigma modulator comprises a latch clocked at a rate greater than a passband frequency of the first filter response. Yassa disclose the delta sigma modulator comprises a latch clocked at a rate that lies outside a passband of the first and second filter responses (col 2, lines 26-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the delta sigma modulator clocked at a higher rate in order to allow the filter to have controllably variable filter characteristics without changing the filter hardware as suggested by Yassa.

9. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swaminathan et al (hereinafter Swaminathan) in view of Cox in view of the admitted prior art and further in view of Gooch.

Regarding claim 18, Swaminathan disclose a reconfigurable filter (fig. 5) comprising: an element (stage 2) comprising: a first filter component (CXre) in series with a first switch (see switch in series with CXre of figure 5); and a second filter component (CXim) in series with a second switch (second switch in series with Cxim; fig. 5), the second filter component and second switch connected in parallel with the first filter component and first switch (CXre branch and CXim branch in parallel; see fig. 5). Swaminathan do not specifically disclose the filter components is configurable, at least one fixed filter element arranged with the configurable element to produce a filter circuit

and a switch control module configured to generate a pseudo random switch control signal to control the first and second switches to selectively switch between the first and second switch components. In the same field of endeavor, Cox discloses a configurable filter element (15, 16), at least one fixed filter element (17) arranged with the configurable element (15, 16) to produce a filter circuit (11) (page 3, col 1, lines 5-10); and a switch control module (32) configured to generate switch control signal to control the first and second switches to selectively switch between the first and second switch components (page 2, lines 40-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a fixed element, a configurable filter element and a switch control module in Swaminathan in order to provide an element that is fixed along with the filter that's variable based on the switching signal within commonly known filter circuits. Swaminathan and Cox do not disclose a pseudo random switch control signal. Gooch discloses the switch control module comprises a pseudo random switch control signal (col 5, lines 3-23). It would have been obvious to one of ordinary skill in the art at the time the invention was made for Swaminathan and Cox to have a pseudo random switch control signal in order to maintain a constant energy throughout all frequencies of the frequency spectrum of the generated signals as suggested by Gooch.

Regarding claim 19, Swaminathan, Cox, and Gooch disclose the reconfigurable filter of claim 18, wherein a value of the configurable element is based at least in part on a fractional allocation of the pseudo random switch control signal to a first signal level (Cox page 2, lines 40-65; Gooch col 5, lines 3-23).

10. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox in view of Rawlins et al (US 2003/0,224,752) (hereinafter Rawlins).

Regarding claim 22, Cox discloses the method of claim 21, wherein Cox does not disclose the first filter response comprises a broad filter configuration. In related art, Rawlins disclose adjusting the filter to a broad bandwidth configuration (filter is adapted and capable of having greater bandwidth values; para. 188). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a wide filter configuration in order to allow more frequencies to pass to obtain a desired filter response.

Regarding claim 23, Cox discloses the method of claim 21, wherein Cox does not explicitly disclose the second filter response comprises a narrow filter configuration. However, based on the switching control signal the filter can be configured to have a narrow filter configuration. In related art, Rawlins disclose adjusting the filter to a narrow bandwidth configuration (para. 188). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a narrow filter configuration in order to conserve bandwidth and to filter out more of the noise components.

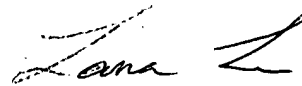
Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana N. Le whose telephone number is (571) 272-7891. The examiner can normally be reached on M-F 9:30-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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2-09-07

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